

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-6728**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LITTLE TOM CHILDRESS,

Defendant - Appellant.

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Appeal from the United States District Court for the Western  
District of Virginia, at Roanoke. Jackson L. Kiser, Senior  
District Judge. (CR-94-106; CA-00-937)

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Submitted: July 29, 2004

Decided: August 5, 2004

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Before LUTTIG, MICHAEL, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Little Tom Childress, Appellant Pro Se. Ray B. Fitzgerald, Jr.,  
OFFICE OF THE UNITED STATES ATTORNEY, Charlottesville, Virginia,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Little Tom Childress seeks to appeal the district court's orders denying his motion to reopen the appeal time to allow him to appeal the denial of his motion filed under 28 U.S.C. § 2255 (2000). An appeal may not be taken from the final order in a § 2255 proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by the district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001).

We have independently reviewed the record and conclude that Childress has not made the requisite showing. The issue of whether the district court properly denied Childress a further extension of time to appeal the denial of his § 2255 motion, beyond the extension already granted by the district court pursuant to Fed. R. App. P. 4(a), previously was considered by this court and determined adversely to Childress. United States v. Childress, No. 03-6077 (4th Cir. 2003) (unpublished). This court will not revisit

that issue. Boeckenhaupt v. United States, 537 F.2d 1182, 1183 (4th Cir. 1976).<sup>\*</sup> Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

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<sup>\*</sup>We note that Childress filed a series of five notices of appeal and only the last one was docketed as such and referred to this court. However, because Childress challenges in his informal brief only the district court's decision denying him a second extension of time to appeal the denial of his § 2255 motion, our review is limited to that issue. See 4th Cir. R. 34(b).